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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 FIRST MERCURY INSURANCE  
8 COMPANY,

Case No. 2:18-cv-01920-JAD-PAL

ORDER

Plaintiff,

9 v.

(Mot WD Atty – ECF No. 22)

10 CIRCLE S DEVELOPMENT  
11 CORPORATION, et al.,

Defendants.  
12

13 This matter is before the court on attorney Edgar Carranza’s Amended Motion to Withdraw  
14 as Counsel of Record for Defendant Circle S Development Corporation (ECF No. 22). The motion  
15 represents that after careful discussion of the status of litigation, defendant Circle S Development  
16 Corporation (“Circle S”) and counsel have mutually come to the agreement to part ways. Edgar  
17 Carranza and Jacquelyn Franko of Backus, Carranza & Burden therefore seek leave to withdraw  
18 as counsel of record. The discovery cutoff is April 5, 2019. Counsel avers that a copy of the  
19 motion was being sent to Circle S Development at its last known address which has been provided.

20 A corporation cannot appear except through counsel. *See Rowland v. California Men’s*  
21 *Colony*, 506 U.S. 194, 201-02 (1993); *Reading Int’l, Inc. v. Malulani Grp., Ltd.*, 814 F.3d 10496,  
22 1053 (th Cir. 2016). The Ninth Circuit has held that default judgment is an appropriate sanction  
23 for a corporation’s failure to retain counsel for the duration of the litigation. *United States v. High*  
24 *Country Broadcasting*, 3 F.3d 1244, 1245 (9<sup>th</sup> Cir. 1993)

25 Having reviewed and considered the matter, and for good cause shown,


26 **IT IS ORDERED** that:

27 1. The Motion to Withdraw (ECF No. 22) is **GRANTED**.  
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- 1 2. Defendant Circle S Development Corporation shall have until **March 6, 2019** in which  
2 to retain substitute counsel who shall make an appearance in accordance with the  
3 requirements of the Local Rules of Practice.
- 4 3. Defendant Circle S Development Corporation's failure to timely comply with this order  
5 by obtaining substitute counsel may result in the imposition of sanctions, which may  
6 include a recommendation to the district judge that default judgment against it.
- 7 4. The Clerk of the Court shall serve defendant with a copy of this order at its last known  
8 address:

9 Gregory Loyd Munoz  
10 Circle S Development Corporation  
11 6575 Arville Street, Suite B  
12 Las Vegas, Nevada 89118

13 DATED this 5th day of February 2019.

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15 PEGGY A. LEEN  
16 UNITED STATES MAGISTRATE JUDGE  
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